

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takeo ORUI

Title: INTERNET PROTOCOL
NETWORK ALTERNATE
ROUTING SYSTEM

Appl. No.: 09/583,166

Filing Date: 05/30/2000

Examiner: Unknown

Art Unit: 2755

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CERTIFICATE OF MAILING

Assistant Commissioner for Patents
Washington, D.C. 20231

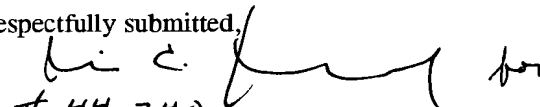
Assistant Commissioner:

I hereby certify that the following paper(s) and/or fee along with any attachments referred to or identified as being attached or enclosed are being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. § 1.8(a) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

1. Information Disclosure Statement
2. FORM PTO SB08 and seven references
3. Postcard

June 28, 2002
Date

Respectfully submitted,


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David A. Blumenthal
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INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on a modified Form PTOSB/08B is a listing of document(s) known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 C.F.R. § 1.56. A copy of the listed document(s) is being submitted to comply with the provisions of 37 C.F.R. §§ 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 C.F.R. § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being filed before the mailing date of a first action under the provisions of 37 C.F.R. § 1.97(b)(3). In the alternative, the instant Information Disclosure Statement is being filed under the provisions of 37 C.F.R. § 1.97(c)(1).

STATEMENT UNDER 37 C.F.R. § 1.97(e)

The undersigned hereby states in accordance with 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

The documents listed on the attached PTO/SB/08B were cited as being relevant during the prosecution of the corresponding Japanese application. A copy of an English language abstract of the listed documents, if available, is being provided. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider this document (37 C.F.R. § 1.98 and M.P.E.P. § 609).

The Examiner in the corresponding Japanese patent application has commented as follows:

About Claims 1 and 2

Cited Literature 1 describes monitoring the state of the traffic and the state of failures, and selecting a circuit depending on the results of said monitoring when there are multiple routes by which to connect to the target terminal.

Cited Literature 2 describes a system wherein there is a first voice communications route and a second voice communications route, where said second voice communications route is inferior in sound quality to said first voice communications route, where, when said first voice communications route is available, said first voice communications route is chosen, but, when said first voice

communications route is not available, said second voice communications route is selected.

About Claims 3 and 4

In addition to the investigations above, Cited Literature 3 describes a structure comprising a packetization circuit, a packet separation circuit, and a LAN driver. (Figure 3 in particular.)

About Claim 5

Cited Literature 4 describes a switching function within a LAN that prevents the degradation of the sound quality due to congestion, and connects calls based on the amount of traffic.

Using the amount of packet loss when looking at the sound quality is something that is easy for an individual in the industry. See, for example, Cited Literature 6 and 7.

About Claim 6

Changing the packet loss ratio is something that is easy for an individual in the industry.

About Claim 7

Cited Literature 2 describes selecting a second voice communications route at the discretion of the caller.

About Claim 8

Cited Literature 2 describes informing the caller of a reduction in sound quality caused by having selected a second route.

2. The inventions pertaining to the claims listed below in the present applications are the same as inventions (utility models) described in the specifications or drawings attached first to the patent application (utility model registration) application listed below, for which the application was disclosed or the application was reported (patent publication or utility model publication) after the application of a patent application (utility model registration application) prior to the day of the application for the present application, where the inventors in the current application are not the same as the inventors of the aforementioned inventions (utility models) regarding the patent applications (utility model registration application) prior to the present application, nor were the applicants, at the time of the present application, the same as the applicants for the patent application (utility model registration application), above, and thus the present application is ineligible to receive a patent due to the stipulations of Article 29, Section 2 of the Patent Law.

Annotations (See the List of Cited Literature for a list of cited literature.)

Regarding Claims 1 and 2,

Cited Literature 5.

List of Cited Literature

1. Japanese Unexamined Patent Application Publication H11-017738
2. Japanese Unexamined Patent Application Publication H11-103340
3. Japanese Unexamined Patent Application Publication H10-224408
4. Japanese Unexamined Patent Application Publication H10-308967
5. Japanese Patent Application H10-291923 (Japanese Unexamined Patent Application Publication H11-225206)
6. Japanese Unexamined Patent Application Publication H11-122296

7. Japanese Unexamined Patent Application Publication H11-
27316

It is believed that the instant information disclosure statement is being filed prior to the mailing date of any Notice of Allowance or Final Office Action. However, if this information disclosure statement is filed after the mailing date of the Notice of Allowance or Final Office Action, then applicant(s) hereby request(s) and authorize(s) the PTO to charge the fee under 37 CFR 1.17(p) to Deposit Account No. 19-0741.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08B be returned in accordance with M.P.E.P. § 609.

Respectfully submitted,

By David A. Blumenthal for
44,740

Date June 28, 2002

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